IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

Crl.Rev.Pet.No. 1609 of 2007()

CRA.380/2006 of ADDL. SESSIONS COURT (FAST TRACK)-II, ALAPPUZHA
CC.320/2002 of JUDL.MAGISTRATE OF FIRST CLASS, RAMANKARI

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REVN. PETITIONERS: APPELLANTS/ACCUSED

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1. VISWAJITH KURUP, S/O.RAMACHANDRAN,
   MANAGING PARTNER, AUGUST HOLIDAYS (I) P LTD,
   20, A, LOUIS MANSION, V.S.ROAD, PRABHADEVI,
   MUMBAI.

2. AUGUST HOLIDAYS (I) P LTD, 20. A,
   LOUIS MANSION, V.S.ROAD, PRABHADEVI,
   MUMBAI, REP. BY ITS MANAGING PARTNER,
   VISWAJITH KURUP.

BY ADV. SRI.K.SIVAKUMAR

RESPONDENTS: RESPONDENT/COMPLAINANT

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1. M.P.KRISHNA KUMAR, PROPRIETOR, HEAVENLY
   HOLIDAYS, CHATHURTHIAKARY, P.O. ALAPUZHA.

2. STATE OF KERALA, REP. BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1609 of 2007

Dated this the 12th day of April, 2007

O R D E R

The revision petitioners stand convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced as follows:

A1 is convicted and sentenced to undergo simple imprisonment for three months and to pay Rs.25,000/- as compensation to the complainant vide Section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for one month.

A2 Firm is convicted and sentenced to pay a fine of Rs.5,000/- under Section 138 of the Negotiable Instruments Act and if not paid, to realise the fine amount from its assets.

2. Counsel for the revision petitioner has only sought for modification of the sentence and time to pay the amount of compensation. Considering the fact that the revision petitioners are convicted in other cases as well, the sentence imposed on A1 is modified to imprisonment till the rising of the court. The rest

of the sentences are confirmed. The revision petitioners are granted six months' time from today onwards to remit the compensation and fine amount. The revision petitioner shall appear before the Judicial First Class Magistrate Court, Ramankari on 15.10.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl